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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANIEL BARNES,

Defendant.

Case No.: 2:13-cr-00423-JCM-GWF

**NOTICE OF THE GOVERNMENT'S INTENT
TO INTRODUCE EVIDENCE OF
CRIMES, WRONGS, OR OTHER ACTS
PURSUANT TO FED. R. EVID. 404(b)**

The United States, by and through Daniel G. Bogden, United States Attorney, and Allison L. Herr, Special Assistant United States Attorney, hereby gives notice of the following evidence it may introduce at trial. Defendant Daniel Barnes is charged with Transportation of a Minor for Prostitution, Sex Trafficking of a Minor, and Production of Child Pornography on theories which include conspiracy and aiding and abetting. It is the government's position that the following evidence is part of the ongoing crime and/or conspiracies and schemes to commit the crime and does not constitute 404(b) evidence. However, in an abundance of caution, and to provide notice to the defendant should the evidence later be deemed to constitute evidence of other crimes, wrongs, or acts, the government files this notice.

1 1. Photographs and statements posted to Daniel Barnes' Facebook account between April
2 2013 and September 2013.

3 2. MyRedbook.com ads placed between August 2012 and May 2013;

4 3. Jail Phone Calls from date of arrest to the time of trial;

5 4. Notes recovered from the iPad dated May 2013 to September 2013 as well as other
6 forensic evidence recovered from the iPad relevant to the year 2013 including but not limited to
7 contacts, accounts, photographs, messages, photographs, web browsing history, and network history;

8 5. Forensic evidence recovered from the iPhone and LG cell phones seized by US
9 Probation in May 2013 including but not limited to contacts, accounts, photographs, messages,
10 photographs, web browsing history, and network history;

11 6. Forensic evidence recovered from the Samsung cell phone seized by LVMPD including
12 but not limited to contacts, accounts, photographs, messages, photographs, web browsing history, and
13 network history; and,

14 7. Miscellaneous hotel and car rental receipts/records.

15 Evidence of a person's character is not admissible to prove that a person acted in accordance
16 with such character or trait. Fed. R. Evid. 404(a). However evidence of a crime, wrong, or other act is
17 admissible to prove motive, opportunity, intent, preparation, plan, knowledge, identity, absence of
18 mistake, or lack of accident. Fed. R. Evid. 404(b).

19 The Government contends that the foregoing evidence includes evidence of the Daniel Barnes'
20 motive and intent to engage in criminal acts. The evidence reflects a plan and routine practice,
21 knowledge of the consequences of his actions and those of his co-conspirators, and that his venture was
22 under taken purposefully and not due to mistake or accident. Moreover the evidence is relevant to
23 establish a relationship between the co-defendants, evidence of participation in a prostitution venture,
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1 evidence of benefitting financially from the prostitution venture, and also corroborates expected witness
2 testimony.

3 Discovery regarding this evidence has previously been disclosed.

4 Respectfully submitted this 3rd day of February 2016.

5 DANIEL G. BOGDEN
6 United States Attorney

7 /s/ Allison L. Herr
8 ALLISON L. HERR
9 Special Assistant United States Attorney
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CERTIFICATE OF ELECTRONIC SERVICE

This is to certify that the undersigned has served the foregoing *NOTICE OF THE GOVERNMENT'S INTENT TO INTRODUCE EVIDENCE OF CRIMES, WRONGS, OR OTHER ACTS PURSUANT TO FED. R. EVID. 404(b)* on counsel of record by means of electronic filing:

Lucas Gaffney
Attorney for Defendant Daniel Barnes

David Brown
Attorney for Defendant Amber Marquardt

J. Gregory Damm
Attorney for the United States

DATED this 3rd day of February 2016.

/s/ Allison L. Herr
Allison L. Herr